

## Comment Letter TC



**TRINITY COUNTY** JAN 31 2006  
**BOARD OF SUPERVISORS**  
P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1217 FAX (530) 623-8398

TC

116

January 18, 2006

Mr. Paul A. Marshall  
Department of Water Resources  
South Delta Branch, Draft EIS/EIR Comments  
1416 9<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Sacramento, CA 95814  
Fax: (916)653-6077

RE: Comments on the South Delta Improvements Program, Draft Environmental Impact Statement/Environmental Impact Report

Dear Mr. Marshall:

The County of Trinity (County) has had the opportunity to review the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/R) of November 2005, by the California Department of Water Resources (DWR) and the US Bureau of Reclamation (BOR) concerning the South Delta Improvements Program (SDIP). We recommend that DWR and BOR withdraw the proposed DEIS/R for this project because of numerous legal and technical inadequacies. Some of the inadequacies include, but are not limited to the following:

- The document is based upon the "Biological Opinion (BO) on the Long-Term Central Valley Project (CVP) and State Water Project (SWP) Operations Criteria and Plan (OCAP)", which has been found faulty by an independent technical review team convened by the CALFED Bay-Delta Program whose findings were made public January 3, 2006. A report by the Department of Commerce's Inspector General also found the BO process violated government procedures.
- The document does not consider an alternative which **reduces** exports from the Delta, per the Third District Court of Appeals Decision (RCRC et al v State of California), which sets aside the CALFED PEIR because the PEIR improperly fails to discuss an alternative that requires reduced exports of water from the Delta.
- Similar to the CALFED PEIR and the Third District Court of Appeals Decision (RCRC et al v State of California), the document does not adequately disclose the environmental impacts of diverting water from various potential sources to meet the CALFED Program's goals. In particular, the analysis of impacts to Trinity Lake, Trinity River fisheries and Trinity County recreation are not only inadequate, but grossly misleading. The modeling analyses for the document

TC-1

TC-2

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include fundamentally erroneous assumptions about the 2000 Trinity River Record of Decision (Trinity ROD) which are in direct conflict with the Trinity ROD's requirements for flows and Trinity Lake storage.

- The larger CALFED program, which includes SDIP, CVP long-term contract renewal, the so-called "Napa Proposal" and other elements to integrate CVP and SWP operations requires an EIS/EIR which amends the 1986 Coordinated Operating Agreement between DWR and BOR.
- The SDIP DEIS/EIR is premature in assuming that ever-larger deliveries of water to the San Luis Unit of the CVP is justified, as the ROD for the San Luis Unit Drainage Re-Evaluation has not been completed. The National Economic Analysis for that project identified that land retirement would be the most cost effective alternative, which could actually allow for **reduced** Delta exports.

We also request that the comment period be extended another 30 days in order to allow adequate time to review this complex and lengthy document.

TC-3

#### Long Term CVP OCAP BO is Inadequate

The SDIP project is based on Endangered Species Act compliance through the CVP OCAP. A revised BO should be prepared with adequate analyses to determine jeopardy to listed species, including Klamath-Trinity coho salmon (Southern Oregon/Northern California Coho). The independent review by a team of 6 scientists concluded that the BO had the following deficiencies:

- 1) Global climate change was not considered.** The BO assumes that the climate and hydrologic regime during the last century will persist into the future. The Panel does not believe that global climate change (e.g., temperature warming), and the consequent temperature and hydrological changes, received adequate treatment in the BO. This deficiency resulted in an important uncertainty being ignored that could affect the characterization of the risk to the ESUs.
- 2) Variability in ocean productivity, and its affect on fish production, was not incorporated into the analyses.**  
The current status of the listed populations is, in part, an outcome of recent favorable ocean conditions. What will the status of listed populations be under less favorable conditions that may occur in the near future? By not including variability of ocean conditions in its analysis, the BO does not adequately address whether or not the listed populations are sufficiently large to survive a period of poor ocean conditions.
- 3) Unknowns or uncertainty were either not adequately incorporated into the analyses, or their incorporation was not clearly explained.**  
In some cases, uncertainties were simply ignored or their consideration was deferred to other future analyses or other in-progress biological opinions. For example, Table 9 in the BO (page 193) summarizes the effects of the proposed project on the listed ESUs, but Table 9 fails to list eleven additional effects mentioned in the text of the BO. Ignoring or deferring the consideration of these effects in analyses does not give the listed species the required benefit of the doubt.

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- 4) **Some models and analyses appeared to be flawed.** The application of monthly temperature models to anadromous fish studies is a point of concern. Of particular concern is the adoption, with little discussion, by NMFS of these monthly results both for assessing potential impacts and for setting thermal criteria. In addition, the data used to develop relationships between water temperature and salmon gamete, egg, and alevin mortality was not the best available.
- 5) **Greater consideration should be given to genetic and spatial diversity in the ESUs.** Too little consideration was given to the genetic and spatial diversity aspects of the ESUs. The Central Valley Technical Recovery Team (CVTRT) noted that the "dependent" populations of spring Chinook and steelhead occupy marginally suitable habitats that either depend on migrants from the nearby streams or operate as a metapopulation in which each stream is not individually viable, but the group persists. These dependent populations are a valuable resource because they exist in marginal environments, may contain valuable genetic attributes (e.g., higher temperature tolerance), and may serve as links with other populations in ways that increase the viability and resiliency of the ESUs over long time scales. The BO did not adequately treat the genetic and spatial diversity aspects in their analysis.

TC-4

Clearly, the BO for the SDIP is inadequate and must be revised and completed prior to release of a new DEIS/R. In order to fully disclose impacts and mitigation measures, the revised BO must be completed prior to release of the new DEIS/R.

#### **An Alternative That Reduces Delta Exports Is Not Considered**

In October, the California Third District Court of Appeals set aside the CALFED ROD because, among other things, the PEIS for CALFED did not consider an alternative which **reduces** exports from the Delta. Similar to the CALFED PEIS, the SDIP DEIS/R does not contain an alternative which reduces Delta exports. This is a serious deficiency in the SDIP DEIS/R and must be remedied by development of an alternative which does not require an increase in the capacity of the SWP's pumping capacity at Clifton Court Forebay.

**Trinity County suggests development of a "Land Retirement Alternative" which returns water to environment as follows** (Excerpted from comments by the Trinity County Board of Supervisors on various Central Valley Project Long-Term Water Contract Renewal NEPA documents):

TC-5

A revised SDIP DEIS/R should expand on Appendix A of the Trinity River Fishery Restoration Supplemental EIR (shown below revised as Table 1). Table 1 portrays a rough estimate of the potential water savings associated with the retirement of lands within the San Luis Unit, Delta-Mendota Canal Unit and the San Joaquin River Exchange Contractors of the Central Valley Project that are expected to require drainage service. The purpose of this analysis is to estimate an amount of CVP water that could be obtained from the retirement of drainage-impacted lands in the 3 units of the CVP. The water savings would then be dedicated to increase Trinity Lake storage to offset instream fishery flows as prescribed in the Trinity River Record of Decision (Trinity ROD). The

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reduction in project use power needs would also reduce power demands to help mitigate impacts to CVP power customers from loss of generation from implementing the Trinity ROD.

The total land with drainage problems is 376,751 acres in the water districts identified below in Table 1, but other problem areas also exist outside of the SLU and DMC areas, as identified in Table 2 below.

The analysis below shows that land retirement could save 793,056 AF in total CVP contracted water, which would have been an actual reduction in demand of 568,373 AF in 2002, the same year as the unprecedented Klamath Fish Kill. Permanent land retirement and dedication of water to other CVP project purposes would result in significant benefits from reduced pollution from drainage water, reduced CVP project power usage, increased ability to meet various water quality standards, increased water storage, increased M&I water supplies, and more water for environmental needs such as Trinity River fishery flows and wildlife refuges. **Land retirement could also be the basis for an alternative which reduces exports from the Delta, per the Third District Court of Appeals decision on the CALFED PEIR.**

Table 1 from the Draft Trinity River Fishery Restoration Supplemental Environmental Impact Report (Trinity County 2004, as amended 1/24/05 and 2/16/05)

	Acres	Acres Requiring Drainage Service	% District Requiring Drainage Service	Max CVP Contract Amount (AF)	Max CVP Contract Water Savings (AF)	2002 CVP Contract Deliveries (AF)	2002 CVP Water Savings (AF)
<b>Broadview Water District</b>	9,515	9,515	100.00%	27,000	27,000	18,588	18,588
<b>Panoche Water District</b>	39,292	27,000	68.72%	94,000	64,593	66,743	45,863
<b>Westlands Water District</b>	<b>604,000</b>	<b>298,000</b>	<b>49.34%</b>	<b>1,154,198</b>	<b>569,455</b>	<b>776,631</b>	<b>383,172</b>
<b>Eagle Field</b>	1,438	1,435	99.82%	4,550	4,542	2,869	2,864
<b>Mercy Springs</b>	3,589	2,417	67.35%	2,842	1,914	4,679	3,151
<b>Oro Loma</b>	1,095	1,095	100%	4,600	4,600	3,173	3,173
<b>Widren</b>	881	881	100%	2,990	2,990	2,094	2,094
<b>Firebaugh</b>	23,457	23,457	100%	85,000	85,000	85,000	85,000
<b>Cent. Cal ID</b>	149,825	4,951	3.30%	532,400	17,569	532,400	17,569
<b>Charleston Drainage District (portion of San Luis WD)</b>	4,314	3,000	69.54%	8,130	5,654	Not avail	Not avail
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with drainage problems)							
Pacheco Water District	5,175	5,000	96.62%	10,080	9,739	7,137	6,896
Total	842,581	376,751	NA	1,925,790	793,056	1,499,314	568,370

Table 1 above was derived by obtaining acreage information for each district through Chris Eacock at the Bureau of Reclamation (USBR) in Fresno. The number of acres requiring drainage by 2050 was taken from estimates in the San Luis Drainage Feature Evaluation, Plan Formulation Report, USBR, December 2002 (pages 2-5 and 2-6). The maximum water savings associated with the retirement of these lands was calculated by multiplying the maximum contract amounts for each district by the percent of that district requiring drainage. Contract amounts were taken from a list of CVP contracts provided by Reclamation. Each district's total contract amount was calculated by adding all of its water contracts if more than one contract exists.

According to information we have received from the Environmental Working Group, water and crop subsidies to Westlands in 2002 amounted to over \$100 million. If approximately half of Westlands, as well as those impacted lands in other drainage-problem districts such as Broadview, Widren, Mercy Springs, Panoche, Pacheco and others were retired, it would free up hundreds of thousands of acre-feet of water, as well as significantly reduce water and crop subsidies by tens of millions of dollars a year. Full analysis of such an alternative would provide meaningful disclosure to decision makers and the public about the true costs of delivering water to these problem lands.

Table 2

	Total Irrigated croplands in 2002(acres)	Drainage Impaired acreage in 2000 (acres)	% of County Requiring Drainage Service	Estimated Contract Amounts (AF)	Estimated Water Savings (AF)
Tulare County	652,385	291,000	44.60%	1,304,770	581,927
Kern County	811,672	313,000	38.56%	1,623,344	625,961
Total	1,464,057	604,000	N/A	2,928,114	1,207,888

Table 2 above portrays a very preliminary estimate of water savings in Tulare and Kern County within the SWP service area. The acres of irrigated croplands was taken from the USDA farm census statistics report in 2002. The acreage of drainage impaired acres is derived from a report by CA Dept of Water Resources, the 2000 San Joaquin Valley Drainage Monitoring Program. The acreages identified are for lands with high groundwater within 20 feet of the surface. The contract amounts were figured by estimating 2 acre-feet per acre irrigated, most likely an underestimated amount. Further investigation is needed to verify and refine these numbers, but clearly there is adequate

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justification to remove these lands from irrigation due to continuing drainage problems and salinization of land, in violation of Water Code Section 100- Wasteful and Unreasonable Use of Water.

**Inadequate Impact Analysis For Trinity County- A County of Origin for the CVP**

The SDIP DEIS/EIR contains unsubstantiated findings about the lack of impacts to Trinity River fisheries. The Stage 2 analysis of Trinity River fisheries only includes an analysis of coho salmon, but does not analyze impacts on fall and spring chinook, winter and summer steelhead, lamprey and sturgeon. In particular, the statement on page 6.1-87 that "*The effects on coho salmon are representative of the potential effects on Chinook salmon and steelhead*" grossly ignores the life history of all species in the Trinity River. Adult Coho salmon generally migrate and spawn when temperature isn't an issue (late fall/winter), while spring chinook, fall chinook and summer steelhead spawn, migrate and hold during periods when temperatures can be an issue (summer/early fall).

TC-6

The DEIS/R fails to recognize the importance of steelhead and chinook in sport, tribal and commercial harvest, and it fails to identify that lower Trinity Lake carryover storage will have a negative impact on the survival of Trinity River fisheries. It tries to make the case that increased exports from the Trinity River to the Sacramento River will reduce Trinity River temperatures, but the DEIS/R completely ignores the issue of cold water reserves to ensure that adequate temperatures can be achieved.

TC-7

Specifically, the DEIS/R should analyze how well the project will meet water quality objectives for the Trinity River adopted by the North Coast Regional Water Quality Control Board, the SWRCB and USEPA as follows:

**NCRWQCB Temperature Objectives for the Trinity River**

**Temperature Not to Exceed; Time Period; River Reach**

60°F (15.6°C); July 1-September 14; Lewiston Dam to Douglas City Bridge  
56°F (13.3°C); September 15-October 1; Lewiston Dam to Douglas City Bridge  
56°F (13.3°C); October 1-December 31; Lewiston Dam to confluence with North Fork

Trinity River water quality is also explicitly protected by Water Right Orders 90-05 and 91-01. These orders state that exports from the TRD to the Central Valley for Sacramento River temperature control shall not harm Trinity River fisheries, as measured by compliance

with specific temperature requirements in the Trinity River. The temperature requirements contained in Water Right Orders 90-05 and 91-01 for the Trinity River are 56°F (13.3°C) and 56°F (15.6°C) at Douglas City and the North Fork confluence, respectively, as shown

in the table above. The 60°F summer objective at Douglas City is not a requirement of Water Right Orders 90-05 and 91-01.

The DEIS/R should be revised to include a full analysis of impacts to Trinity River temperatures and consistency with State, federal and Tribal water quality standards and objectives.

TC-8

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Trinity Lake is a 2.48 million AF reservoir located on the Trinity River near Lewiston, California. Water released from Trinity Dam is approximately 45°F, and can be diverted via Clear Creek and Spring Creek tunnels to the Sacramento River for use by the CVP; but it can also be released into the Trinity River to meet fishery needs in the Trinity River and the Lower Klamath River. Since the massive adult salmon kill of 2002 where at least 68,000 adult chinook salmon died due to poor water conditions from Klamath Project operations, additional water was released from Trinity Dam in 2003 and 2004 to prevent another fish kill (additional releases were deemed unnecessary in 2005). Releases of water from Trinity and Lewiston Dams have been shown to significantly decrease water temperatures (by 5-6°F) and increase dissolved oxygen in the Lower Klamath River, approximately 112 miles downstream of Lewiston Dam.

However, Trinity Lake is approximately twice the size of the average annual inflow from the upstream watershed. Thus, the refill potential of the reservoir is extremely low compared to other reservoirs such as Shasta Lake, which has an inflow roughly equal to its size. Once Trinity Lake is drawn down during an extended drought, it will not refill, but will likely get even lower, such that cold water supplies will eventually be exhausted, leaving virtually no source of cold water to keep the Trinity and Lower Klamath rivers' fisheries alive. Such action would also negatively affect the economy of Trinity County such as businesses that rely upon water storage in the Reservoir and those that rely upon flows within the Trinity River for tourist and recreation opportunities.

TC-9

The 2000 Trinity River Record of Decision (ROD) called for increased fishery flows into the Trinity River from Trinity and Lewiston Dams, corresponding to roughly a 1/1 reduction in water exports to the Sacramento River. It is now apparent that the BOR, through the SDIP, has no intention whatsoever of honoring the requirement to reduce water exports to the CVP commensurate with the increase in fishery flows. Instead, BOR intends to continue historic deliveries of CVP water, as stated in the numerous CVP long-term contracts such as the San Luis Unit, with possible larger deliveries.

Therefore, approval of the SDIP and implementation of the Joint Point of Diversion whereby the CVP can send its "surplus" water south of the Delta using SWP pumping capacity will surely result in depleted cold water reserves in the Trinity Lake at the beginning of the next multi-year drought. Since the reservoirs on the Klamath River upstream of the Trinity River confluence are shallow, nutrient-rich and warm, this will leave absolutely no safeguards for protection of the KTW's fisheries. This includes coho salmon, a state and federal listed species, as well as steelhead, spring and fall chinook, lamprey and green sturgeon. These species support a broad range of tribal, commercial and sport fisheries, and communities in the North Coast Region and southern Oregon.

The DEIS/R should be revised to include a full analysis of impacts to all Trinity River fisheries, and an honest assessment of the environmental and economic impacts of reduced carryover storage and recreation in Trinity Lake on not only the Trinity River, but also on the Lower Klamath River's fisheries.

Trinity County believes that the statement found with Table 4-1 (pg. 13-14) of the SDIP that salmonids with the Trinity River will be "less than significant" is extremely misleading, and is based on assumptions which conflict with the Trinity ROD. Within

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the DEIS/R discussion of the TRD (pg. 5.1-9), it is stated that based upon the simulation used to predict carry-over capacity, that a minimum pool of 250 TAF every few years, with 500 TAF every several years would be the minimum pool. However, the Trinity ROD mandates that at least 600 TAF yearly be left as a Trinity Lake minimum pool, except with NMFS reconsultation it may go to an absolute minimum of 400 TAF in drought years. Based on the SDIP simulations, there would be 21 years out of 100 where there would be minimum pools less than Trinity ROD requirements. This would likely have a severe impact to salmonids in the Klamath-Trinity watershed by having water temperatures instream being higher than State, federal and tribal water temperature standards and objectives. Therefore the County believes that DWR and BOR declaration that there would be a "less than significant impact" to Trinity River fisheries is untrue. A true disclosure analysis that takes in consideration the Trinity ROD minimum pool standard, reduced long-term Trinity exports to the CVP, and Trinity instream flow requirements be fully analyzed and discussed in a new SDIP DEIS/R.

The SDIP analysis also includes tables which identify both exports from the Trinity River to the Sacramento River, as well as Trinity River instream flows in terms of cubic feet per second (cfs). This is very misleading and is inconsistent with other environmental documents related to the CVP whereby water amounts are typically shown in annual Acre-Feet (AF). CFS is an instantaneous amount of water, while AF is an appropriate metric for water measurement on an annual basis. Again, the DEIS/R should be withdrawn and a new document should be prepared which clearly identifies impacts and mitigation measures in commonly understood terms.

TC-10

Trinity County is a disadvantaged, low-income county, as described in State guidelines for various grant programs. Our poverty levels are similar to the City of Oakland, and well below state averages for both income and children covered by the school lunch program. Therefore, impacts to Trinity County should also be addressed in terms of environmental justice.

TC-11

#### Need for an SEIS/EIR to Amend the 1986 Coordinated Operations Agreement

The operational component of SDIP is actually an amendment of the 1986 Coordinated Operation Agreement (COA) between BOR and DWR for meeting Delta Water Quality Standards. An EIS/EIR was completed in 1986, yet no supplemental NEPA/CEQA document has subsequently been prepared to address changes in operations of the 2 systems over the past 20 years.

TC-12

The purpose of the COA was to jointly meet the water quality standards in SWRCB Decision 1485, which was subsequently replaced by SWRCB Decision 1641 in 1999. CALFED, the Napa Proposal and other integrations of the SWP and CVP are clearly amendments to the 1986 COA, yet no mention is made whatsoever in this DEIS/R about that issue.

The DEIS/R should be withdrawn and a revised DEIS/R should address how the COA is being amended by the SDIP.

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**Assumptions About Irrigation of the San Luis Unit of the CVP Are Predecisional**

Trinity County also believes that the SDIP DEIS/R is premature to approve at this time because it would be pre-decisional as it relates to renewal of CVP contracts south of the Delta and drainage issues in the San Luis Unit of the CVP. Currently the BOR is negotiating Long-Term Contracts (LTC's) for San Luis Unit and Western San Joaquin Division CVP contractors and has released NEPA documents, which are also premature. The reason why the County believes that the LTC's are premature is due to the fact that the San Luis Drainage Feature Re-Evaluation (SLDFRE) has not been completed, nor has the intent of the San Luis Act of 1960 (P.L. 86-488) been met. The San Luis Act states that the Secretary of Interior is prohibited from signing LTC's for the San Luis Unit (who would benefit from the SDIP) benefit before the Secretary of Interior:

TC-13

TC-14

*"...has... received satisfactory assurance from the State of California that it will make provision for a master drainage outlet and disposal channel for the San Joaquin Valley, as generally outlined in the California water plan, Bulletin Numbered 3, of the California Department of Water Resources, which will adequately serve, by connection therewith, the drainage system for the San Luis unit or has made provision for constructing the San Luis interceptor drain to the delta designed to meet the drainage requirements of the San Luis unit as generally outlined in the report of the Department of the Interior, entitled 'San Luis Unit, Central Valley Project,' dated December 17, 1956."*

Therefore to move forward with the SDIP before the SLDFRE has been complete is illegal and premature at this point in time. The County calls upon DWR and BOR to withdraw the SDIP DEIS/R at this time, and re-evaluate the potential impacts this action will take.

The County also incorporates by reference the comment letters that Trinity County sent in regard to CVP LTR to BOR for the Delta-Mendota Canal Unit (12/7/2004) and the San Luis Unit (1/18/2005 & 12/15/2005). Copies of those comment letters have been attached to this comment letter for the SDIP DEIS/R.

Thank you for the opportunity to comment on this document.

If you have any questions regarding our comments, please contact Principal Planner Tom Stokely at 530-623-1351, extension 3407.

Sincerely,

TRINITY COUNTY  
BOARD OF SUPERVISORS

By,  
  
WILLIAM E. CHAMBERS, Chairman

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cc: Clifford Lyle Marshall, Chairman Hoopa Valley Tribal Council  
Howard McConnell, Chairman Yurok Tribal Council  
Roger Rodoni, Chairman Humboldt County Board of Supervisors  
Marcia Armstrong, Chairman Siskiyou County Board of Supervisors

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## Responses to Comments

### TC-1

Please see Master Response A, *Relationship between the South Delta Improvements Program and the Operations Criteria and Plan*. Please also see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*.

### TC-2

Please see Master Response N, *Trinity River Operations*.

Reclamation and DWR consider the 1986 COA as their basic coordinated operating agreement; some aspects of their operations have been modified, as needed, to satisfy more recent agreement, such as D-1641 and the 2004 OCAP assumptions.

SDIP Stage 1 is considered to be a necessary project for fish protection and local south Delta water supply improvements. The Stage 2 decision process will allow additional time to consider balanced progress on other CALFED, DWR and Reclamation projects.

### TC-3

Please see Master Response C, *Extension of the Comment Period on the South Delta Improvements Program Draft EIS/EIR*.

### TC-4

Please see Master Response A, *Relationship between the South Delta Improvements Program and the Operations Criteria and Plan*. The SDIP ASIP (CALFED version of a Biological Assessment) that has been prepared for the SDIP Stage 1 provides additional evaluation of potential fish effects from the construction and operation of the permanent operable gates.

### TC-5

Please see Master Response D, *Developing and Screening Alternatives Considered in the South Delta Improvements Program Draft EIS/EIR*. In particular, alternatives that include land retirement are being considered by Reclamation in the San Luis Drainage Reevaluation EIS. Only one of the

alternatives under consideration in the San Luis Drainage Reevaluation EIS, the “In-Valley Drainage-Impaired Area Land Retirement Alternative”, would retire sufficient lands (308,000 acres) such that the water supply from CVP contracts would exceed the water needs for the San Luis Unit. This may reduce the total CVP demands, but would not likely reduce the total deliveries to below the current capacity of the CVP Tracy pumping plant. The SDIP Stage 2 alternatives that increase CVP deliveries would be complementary to any land retirement and drainage reduction projects undertaken by Reclamation.

## TC-6

Please see Master Response N, *Trinity River Operations*. The differences between Coho salmon and Chinook salmon life history timing are acknowledged. The water temperature analyses for Coho salmon demonstrated that no water temperature changes are expected in any month.

## TC-7

Please see Master Response N, *Trinity River Operations*. Trinity Lake carryover storage will not be affected by any of the SDIP Stage 2 alternatives.

## TC-8

Please see Master Response N, *Trinity River Operations*. The simulated water temperatures at Lewiston Dam or downstream locations have not been compared with the State Water Board or the North Coast RWQCB temperature objectives. Because the Trinity River flows have not been changed by SDIP Stage 2 alternatives, there would be no change in compliance with these temperature objectives. Reclamation operations prescribe a balance between the release flows specified in the Trinity River ROD, and the carryover storage needed to provide some drought protection and maintain a cold-water reserve.

## TC-9

Please see Master Response N, *Trinity River Operations*. SDIP Stage 2 alternatives will not have any impacts on Trinity County’s recreational opportunities that rely on Trinity Lake storage or Trinity River flows.

## TC-10

River flows and exports are described with both average monthly flow rates, with units of cubic feet per second (cfs), and annual total flow volume, with units of

thousand acre-feet (taf). Both are appropriate and consistent with other water planning documents. A monthly flow of 1 cfs will total about 60 acre-feet of volume.

## **TC-11**

The CALSIM output indicates that no changes in Trinity River flows would result from the implementation of the SDIP Stage 2 alternatives. Therefore, there would be no change in fish habitat conditions and no disproportionate effects attributable to the SDIP would occur..

## **TC-12**

The SDIP Stage 2 alternatives will not require an amendment to the COA. The COA guides the daily coordination of Delta and reservoir operations between the CVP and SWP. The SDIP has no effect on this important agreement between Reclamation and DWR. Adjustments in the COA rules to accommodate the new objective in D-1641 (i.e., X2 outflows, and E/I export limits, and export limits during VAMP) have been made by DWR and Reclamation.

## **TC-13**

There are no actions related to the SDIP that would have a pre-decision effect on the CVP contract renewals. These contracts will be decided independently of the SDIP. The SDIP Stage 1 permanent operable gates are focused on maintaining water levels, water quality, and fish protection in the south Delta and will have no effect on contract renewals. Stage 2 SDIP alternatives would also not likely change contract renewals because the amount of increased CVP deliveries is small relative to the total contract demands.

## **TC-14**

Future actions to provide drainage for the CVP San Luis Unit may result in re-allocation of available water in the affected water districts. Future San Luis drainage disposal alternatives may improve water quality in the San Joaquin River, by reducing the current discharge of tile drainage from the Grasslands Drainage Area. Reclamation is evaluating several drainage reduction options that may include retirement of some currently irrigated lands. Drainage disposal or reduction in irrigation to some drainage-affected acreage may be part of the cumulative future conditions. These possible drainage actions will not be affected or influenced by SDIP.

## Comment Letter Z7WA



**Z7WA**

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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**Statement by Zone 7 of Alameda County Flood Control & Water  
Conservation District (Zone 7 Water Agency)  
on  
South Delta Improvements Program  
Public Hearings, January 26, 2006**

The Zone 7 Water Agency provides wholesale water supply and local water and groundwater management to 200,000 residents in the Livermore Valley in eastern Alameda County

The Livermore Valley has been receiving deliveries from the SWP since 1962.

We depend on the SWP to provide a reliable, high quality water supply, but to do so in a responsible manner – that is, in a manner that protects and maintains the quality and habitat values of the Delta.

**Z7WA-1**

The South Delta Improvement Program will allow DWR to operate the SWP in such a positive manner that will protect Delta fisheries and South Delta agricultural interests.

The operable gates will allow DWR a lot more flexibility in managing the water resources of the Delta and the State. Operable gates will replace the current, inefficient practice of placing and removing the temporary barriers that are installed each year for South Delta protection.

We recognize that DWR is being very cautious in moving forward first with the gates and that the additional time and analysis on operational alternatives will allow resolution of any water quality issues that may arise.

We believe the overall benefits of the SDIP for water supply reliability, water management flexibility, South Delta water quality, and Delta fisheries warrant the implementation of the SDIP.

Zone 7 strongly supports the SDIP as part of the overall a long-term solution for a sustainable Delta.

Thank you for the opportunity to comment this evening.

Vincent D. Wong  
Assistant General Manager

Zone 7 Water Agency  
100 North Canyons Parkway  
Livermore, CA 94551

Phone: (925) 454-5004  
E-mail: [vwong@zone7water.com](mailto:vwong@zone7water.com)


## Responses to Comments

### Z7WA-1

The commenter's description of the project's water supply and environmental benefits and support for the project are noted.



## Comment Letter ANT

<p><b>OFFICE OF THE CITY ATTORNEY</b> <b>P.O. Box 5007, Antioch, CA 94531-5007</b></p>		<p><b>ANT</b> <b>(925) 779-7015</b> <b>FAX (925) 779-7003</b></p>
<p>January 30, 2006</p>		
<p><b>FEB 06 2006</b>     00121</p>		
<p>Paul A. Marshall Department of Water Resources South Delta Branch Draft EIR Comments 1416 9<sup>th</sup> Street Sacramento, CA 95814</p> <p>Sharon McHale U.S. Bureau of Reclamation Mid-Pacific Region Draft EIS Comments 2800 Cottage Way Sacramento, CA 95825</p>		
<p><b>Re: City of Antioch's Comments on South Delta Program, EIS/EIR</b></p>		
<p>Dear Mr. Marshall and Ms. McHale:</p> <p>The City of Antioch appreciates the opportunity to comment on the South Delta Improvements Program EIS/EIR. While we join with our colleague Contra Costa Water District in many of its comments, Antioch also has unique historic and legal perspectives and special concerns relating to its citizens.</p> <p>Established in 1872, Antioch is Contra Costa County's oldest incorporated city. Its lineage traces back to its ancient<sup>1</sup> namesake city along the banks of the mighty Euphrates River in what is now modern day Syria. Antioch was diverting water from the San Joaquin River prior to December 19, 1914, the date that the Water Commission Act became effective, requiring subsequent appropriators to obtain permits and licenses from what is now the State Water Resources Control Board.</p>		
<p><sup>1</sup> Since the earliest days of Christianity.</p>		

Paul A. Marshall  
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Antioch's non-statutory right is just as valid today as a pre-1914 statutory right and is probably better than a statutory right because it is not limited to a recorded maximum quantity or specified diversion works. The city's use of water from the river has been continuous since initiated by the original purveyors of water to the City more than 130 years ago. The only limitation on Antioch's water right is the Constitutional mandate that the water must be reasonably required for beneficial municipal purposes.<sup>2</sup> Of course, Antioch is also protected by Water Code §106.5, declaring it to be "the established policy of this State that the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses."

The reader probably knows that the State Water Project of 1957 provided no facilities which benefited Antioch and, to the contrary, established massive exports from the Delta, further reducing the availability of usable water for the city. To mitigate this damage, the city and the Department of Water Resources negotiated an agreement dated April 11, 1968<sup>3</sup>. This compact recognizes the historically usable water (150 parts per million or less of chloride) occurred on an average of 208 days per year. If in any year the number of days of availability of usable water is less than 208, the Department must pay to the City one-third of the City's incremental costs of purchasing canal water from CCWD to replace the river supply. The one-third fraction was based on the assumption that the depletion of the natural supply is due one-third to the operation of the Central Valley project, one-third to the State Water Project, and one-third to all the other upstream diverters, riparians and appropriators.

Antioch also has the "delta priority". The Sacramento-San Joaquin Delta, as defined by Water Code §12220, includes all the land east of Mallard Slough (in Pittsburg) that was in the territory of CCWD as it existed in 1959, the year that §12220 was enacted.

The Delta Protection Act, at §12202 states that among the functions to be provided by the State Water Project "shall be the provision of salinity control and an adequate water supply for the users of water in the Sacramento-San Joaquin Delta". The provision further declares that if a substitute water supply is necessary for Delta users, no added financial burden shall be placed upon said Delta water users. Finally, §12203 declares it to be the policy of the State that no one, including the Bureau of Reclamation and the Department of Water Resources, divert from the Delta water "to which the users within said Delta are entitled."

<sup>2</sup> California Constitution, Article X §2.

<sup>3</sup> Set to expire in 2008.

Paul A. Marshall  
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Finally, under the Watershed Protection Act (Water Code §§11460 – 11465), the Department of Water Resources is directed to respect “the prior right to all of the water reasonably required to adequately supply the beneficial needs of the watershed area, or any of the inhabitants or property owners therein”, §11460.

It is with these historic and legal perspectives that Antioch reacts to and comments upon this proposal to increase *by a factor of 27 percent* the diversions from our water source that is already in delicate balance<sup>4</sup>. Unquestionably, diversions of this magnitude can only exacerbate salt intrusion at Antioch’s intake and increase our reliance on purchased water from the canal source.

ANT-1

Please inform us whether the draft EIS/EIR models impacts on water quality as far downstream as Antioch’s intake at Fulton Shipyard. As we have pointed out, there currently is a delicate balance affecting water quality at this location, and further diversions would appear, almost with a certainty, to further degrade quality levels.

ANT-2

The Contra Costa Water District informs Antioch that water quality at its intake is such that “normal” years of rainfall now have the same poor quality of chlorides as “dry” years prior to 1993. Although the EIS/EIR uses 16-year averages in its calculation of water quality impacts, people do not drink “16-year average quality”. Obviously, they drink what is available in the river at any given time.

ANT-3

We are further informed by CCWD that the proposed diversions will degrade the performance of Los Vaqueros Reservoir by at least ten percent, resulting not only in a very substantial cost to all ratepayers but also degrading the reservoir’s ability to provide good quality water during dry years, its primary purpose.

ANT-4

If Antioch is required to purchase more canal water because of degraded quality at the municipal intake, it will incur very significant costs which either must be borne by the City for its municipal uses and/or by its ratepayers for private uses. The EIR/EIS should identify those potential costs and study possible physical blighting effects on the community if, for example, Antioch reduces irrigation of parks and landscaped medians and public areas to the point of causing plant distress or loss, and similar impacts on privately-owned property if ratepayers reduce water usage as well.

ANT-5

<sup>4</sup> The proposed increase of permitted diversion limits into the SWP Clifton Court Forebay from 6,680 cubic feet per second to 8,500 cfs.

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Department of Water Resources  
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U.S. Bureau of Reclamation  
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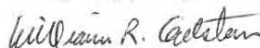
The EIS/EIR should propose appropriate mitigation measures to ensure, at a minimum, current levels of water quality at the City's Fulton Shipyard intake, as well as a requirement for the Department of Resources to extend its agreement with Antioch for the guarantee of at least 208 days of usable water per year and ensuring that Antioch suffers no financial hardship because of the need to purchase more canal water.

ANT-6

Finally, the EIS/EIR should contain an environmental justice component to discuss the various impacts of state actions that have degraded Antioch's environment over the last few decades. Such impacts include State policies that mandate that Antioch accommodate at least 600 units of housing per year, yet makes no provision for state funding of Highway 4 improvements and other transportation issues exacerbated by residents of the new housing; approval of the siting and operation of a number of electrical power generating plants along the San Joaquin River in Eastern Contra Costa County, adversely impacting both air and water quality; and now, with this project, the further degradation of water quality and the adverse impacts on the health—both physical and fiscal—of our 100,000+ residents.

ANT-7

Very truly yours,



WILLIAM R. GALSTAN  
Special Counsel

WRG/sh

cc: Mayor and City Council Members  
Lynn Tracy Nerland, City Attorney  
James M. Jakel, City Manager  
Phil Harrington, Director of Public Works  
Joseph G. Brandt, Director of Community Development/City Engineer  
Greg Cartrell, CCWD

## Responses to Comments

### ANT-1

Section 5.1 describes why increasing the pumping capacity does not change export pumping by 27%. The actual annual increase in the total CVP and SWP export pumping will be 194 taf/yr, from a baseline pumping of 5,618 taf/yr (Table 5.1-12), an increase of 3–4%. This increased pumping will occur at times when the effects on Antioch salinity will be negligible.

### ANT-2

The DSM2 model estimated that average Antioch salinity (EC) values, for the 1976–1991 representative study period, were 2,057  $\mu\text{S}/\text{cm}$  for the baseline and 2,073  $\mu\text{S}/\text{cm}$  for Alternative 2A (comparable to the other average EC values in Table 5.3-3). The average Antioch EC will increase by less than 1% of the baseline value (i.e., 16  $\mu\text{S}/\text{cm}$ ).

### ANT-3

The changes in EC when chloride is less than 150 mg/l (when EC is less than 600  $\mu\text{S}/\text{cm}$ ) are negligible; no changes in chloride will occur when Antioch is diverting water from the Fulton Shipyard intake. CCWD staff are referring to the higher salinity that occurs in the fall, when Delta outflow is allowed to be as low as 3,000 cfs.

### ANT-4

Please see the response to comment CCWD1-24.

### ANT-5 and ANT-6


Please see the response to comment ANT-3.

### ANT-7

The environmental justice assessment is in Section 7.9 of the SDIP Draft EIS/EIR. The assessment focuses on identifying the disproportionate impacts of constructing and operating the SDIP components on minority and low income communities. Constructing or operating SDIP will not affect regional or local housing or transportation demands. Section 5.3 provides a through discussion

the impacts of Stage 1 and Stage 2 on water quality. As shown in Tables 5.3-1 and 5.3-3, the quality of water measured at Jersey Point would not substantially change under Stage 1 or Stage 2, respectively.

## Comment Letter COO

 <b>CITY OF</b> 303 EAST "B" STREET, CIVIC CENTER ONTARIO	<b>COO</b> <i>L. SNOW</i> <i>Katny Kelly</i> <b>ONTARIO</b> CALIFORNIA 91764-4196 (909) 395-2000 FAX (909) 395-2070	
PAUL S. LEON MAYOR	December 12, 2005	GREGORY C. DEVEREAUX CITY MANAGER
ALAN D. WAPNER MAYOR PRO TEM		MARY E. WIRTES, MMC CITY CLERK
GERALD A. DuBOIS JASON ANDERSON SHEILA MAUTZ COUNCIL MEMBERS		JAMES R. MILHISER TREASURER
	DEC 23 2005	032

Mr. Lester Snow, Director  
Department of Water Resources  
State of California  
Sacramento, California 95814

**RE: SOUTH DELTA IMPROVEMENTS PROGRAM**

Dear Director Snow:

This letter is to express support for the Department of Water Resources' (DWR) South Delta Improvements Program (SDIP). SDIP is a critical water supply, water quality and environmental project designed to meet California's diverse water needs. This November, DWR and the U.S. Bureau of Reclamation released a draft Environmental Impact Report/Statement (EIR/S) for SDIP, kicking off an important public review and comment process.

California is facing a critical challenge. We need a safe, reliable and high-quality water supply to keep up with our rapidly rising population and fast-growing trillion-dollar economy. However, we have limited water supplies in our arid state, so we must better utilize our existing water resources and infrastructure. Otherwise we put our communities, farms, environment and businesses at risk. Two-thirds of California receives its water from the San Francisco Bay/Sacramento-San Joaquin Delta. Given its importance, we need to better manage the Delta's water delivery system, as well as its water quality. We need to make every drop count.

In 2000, the State and Federal governments initiated the historic CALFED Bay-Delta Program to manage the Bay-Delta's water resources and ecosystem. A unique collaboration of interests supported the plan including environmental organizations, water agencies, business interests, farmers, and state and federal water and fish agencies. SDIP is the next step forward in this long-term planning effort for the Bay-Delta.

SDIP is a responsible and balanced plan to better utilize and integrate our existing water management infrastructure in the Delta. Collectively it will improve our State's water supply reliability, water quality and the overall health of the Bay-Delta ecosystem. The program will construct seasonal tidal gates to protect fish and improve water circulation and quality in the Delta, dredge select Delta channels to improve water deliveries for local farmers, and allow State Water Project deliveries to increase modestly and only when needed and environmentally safe to do so.

COO-1

Printed on recycled paper.



Mr. Snow, DW/ Re: SDIP

December 12, 2005

DEC 23 2005

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Currently the State is constrained in its ability to use surplus water supplies. We have the infrastructure to move the water, but until SDIP is approved the State's water managers cannot fully or responsibly use the existing system. This impairs our local ability to fully implement environmentally responsible programs such as our Dry Year Yield Program and conjunctive use of local ground water basins to store wet year surpluses for dry year use. These local programs can help to reduce peak dry year demands on the State Water System.

SDIP calls for only a 3-5% increase in the average amount of water pumped from the Delta. More significantly, SDIP will provide the flexibility to shift the timing of water deliveries when surplus is available and when environmentally safe to do so. SDIP is an ideal option for California to advance as it will not require the construction of major new infrastructure and funding for the program has already been secured through passage of voter-approved bonds in 2000 (Proposition 13).

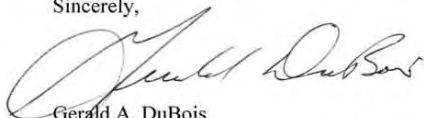
SDIP is supported by a statewide, broad coalition of water, agriculture, business, planning organizations, and local government officials including the Southern California Water Committee of which the City of Ontario is a member.

Effective use of water is critical to our families, farms, and businesses and to continued economic progress. It is our responsibility to use this precious resource wisely through all possible best management practices including water conservation, recycling and storage, to ensure California's water future. Locally we are implementing all of these practices. Statewide, it is imperative that we have a more flexible water delivery system so that we can continue to implement programs to accommodate existing and growth in our population and economy while remaining resource wise and service reliable.

We support the SDIP and encourage key stakeholders to help advance this critically needed project.

Thank you.

Sincerely,



Gerald A. DuBois  
Council Member  
City of Ontario

cc: Hon. Governor Arnold Schwarzenegger, 1<sup>st</sup> Floor, State Capitol, Sacramento 95814  
Mr. Ryan Brodderick, Director, California Department of Fish & Game, 1416 9<sup>th</sup> Street, 12<sup>th</sup> Floor, Sacramento 95814  
Mr. Mike Chrisman, Secretary, California Resources Agency, 1416 9<sup>th</sup> Street, #1311, Sacramento 95814  
Mr. Joe Grindstaff, Director, California Bay-Delta Authority, 650 Capitol Mall, 5<sup>th</sup> Floor, Sacramento 95814  
Mr. Kirk Rodgers, Regional Director, Mid-Pacific Region, U. S. Bureau Reclamation, 2800 Cottage Way, Sacramento 95825  
Mr. Dan Skopec, Deputy Cabinet Secretary, Office of the Governor  
Mr. Terry Tamminen, Cabinet Secretary, Office of the Governor  
Southern California Water Committee  
Mr. Ken Jeske, City of Ontario – Public Works/Community Services Director



COO-1

## Responses to Comments

### COO-1

The commenter's description of the project's benefits and support for the project are noted.

## Comment Letter COS1

 <b>CITY OF STOCKTON</b> DEPARTMENT OF MUNICIPAL UTILITIES 2500 Navy Drive • Stockton, CA 95206-1191 • 209/937-8750 • Fax 209/937-8708 www.stocktongov.com		<b>COS1</b>
February 7, 2006	FEB 10 2006 00193	
	<u>VIA FACSIMILE and U.S. MAIL</u>	
Paul Marshall State of California Department of Water Resources South Delta Branch, Draft EIS/EIR Comments 1416 Ninth Street, Second Floor Sacramento, CA 95814		
<b><u>CITY OF STOCKTON COMMENTS TO DRAFT EIS/EIR SOUTH DELTA IMPROVEMENTS PROGRAM (SDIP)</u></b>		
<p>Thank you for the opportunity to comment on the Draft EIS/EIR. This document is presently inadequate in numerous areas as described below. Generally we are concerned with the operation of the barriers in both Stage 1 and Stage 2 scenarios and the subsequent water quality impacts in the San Joaquin River downstream of the Head of Old River in the vicinity of Stockton. Our specific comments are as follows:</p>		
1. 1-30	<b>Effects of Water Quality in the South Delta</b>	
	<p>This Section misstates the problem. Increased exports <u>will</u> have a deleterious impact on dissolved oxygen (DO) at the Stockton Deep Water Ship Channel (DWSC). Increased pumping without the Head of Old River Barrier (HORB) operated in a closed position will allow more water to go down Old River towards the export pumps and less water to arrive at the Stockton DWSC. This is especially true in Below Normal, Dry, and Critical water years in July, August and September. If the HORB is open and 100% of the San Joaquin River flow is going to the export pumps, then little or no flow is reaching the Stockton DWSC. This lack of flow at the DWSC is due to export pumping and in-Delta diversions. The SDIP EIS/EIR does not propose how DWR and USBR will mitigate for the SDIP's effects on DO.</p>	<b>COS1-1</b>
	<p>The SWRCB recently adopted a TMDL for DO. Does the EIS/EIR modeling of indicate how the DWR and the USBR will meet their share of the load allocation under the DO TMDL?</p>	<b>COS1-2</b>
	<p>Is the SDIP subject to approval and permitting by the CVRWQCB on this issue?</p>	<b>COS1-3</b>
		

Paul Marshall  
February 7, 2006  
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**CITY OF STOCKTON COMMENTS TO DRAFT EIS/EIR  
SOUTH DELTA IMPROVEMENTS PROGRAM (SDIP)**

FEB 10 2006

2. 2-2 **Operational Component**

How is the operation of the SDIP consistent with the Napa Agreement? Please describe the Napa Agreement or those sections of the Napa Agreement that are analyzed as part of this EIR/EIS.

COS1-4

3. 2-4, 5 **Decision Stages**

Stage 1 is to be the decision of whether to continue the temporary barrier or install the permanent barriers. Decision making for stage 2 will begin after the stage 1 decision. Where is the decision for the interim operations described on page 2-2?

COS1-5

4. 2-30 **Summer and Fall**

The EIS/EIR should consider an operation with the HORB gates closed in July, August, and September to improve the San Joaquin River flow through the Stockton DWSC.

COS1-6

The EIS/EIR requires two criteria to be met before considering gate operations at other times for longer periods of time. Based on the second criteria, the HORB gate will never be shut in July and August and some Septembers to improve DO in the DWSC. Salmon and steelhead do not out-migrate from the San Joaquin River in those months.

This is a major flaw in the SDIP. The SDIP will result in more water flowing down Old River from the increased pumping and causing further degradation in the Stockton DWSC.

5. Table 4.1

**WQ-13:** We strongly disagree with your analysis. If the export pumps are above their current pumping levels in July, August, September and October during low flow years such as Below Normal, Dry and Critical, then more water will go down Old River and less water will go down the San Joaquin River. This will exacerbate the DO problem in the Stockton DWSC. This is especially true given the fact that the HORB gates will not be closed.

COS1-7

**WQ-27:** Same comment as above.

Paul Marshall  
February 7, 2006  
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**CITY OF STOCKTON COMMENTS TO DRAFT EIS/EIR  
SOUTH DELTA IMPROVEMENTS PROGRAM (SDIP)**

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6. 5.3-1 Introduction

The Introduction states that salinity downstream of the Head of Old River at Brandt Bridge will not change substantially from Vernalis and is dependent upon the salinity at Vernalis. Brandt Bridge is a D-1641 compliance point and at a minimum the EIS/EIR should show the analysis to support the statement. Agricultural drainage and other inflows between Vernalis and Brandt Bridge may not change the salinity at the lower compliance point irrespective of the SDIP but this must be shown.

COS1-8

The EIS/EIR did not assess salinity or other water quality effects downstream of Brandt Bridge. Why were other locations not assessed? The EIS/EIR did not assess the water quality effects of the SDIP near the proposed intake location for the Stockton Delta Water Supply Project. These effects must be evaluated.

COS1-9

7. 5.3-13 San Joaquin River and South Delta Salinity

That last sentence states that San Joaquin River flows will not change due to SDIP and therefore would not affect the EC values. However, Table 5.1-12 shows an average *increase* in CVP deliveries of up to 107,000 acre-feet. The EIS/EIR did not evaluate the effects of importing this additional water and the salt that comes with it to the valley each year.

COS1-10

8. 10-5 Section 10.3


The Stockton Delta Water Supply Project is not evaluated under the cumulative impact assessment. The EIR for this project was certified on November 8, 2005, and a water right permit was issued on December 20, 2005. The SDIP EIS/EIR needs to evaluate the environmental effects with the Delta Water Supply Project in place.

COS1-11

Because of these defects, the Draft EIS/EIR should be redrafted and re-circulated for public review and comment to adequately assess the impacts as stated above.

Again, we thank you for the opportunity to provide comments on the Draft EIS/EIR document.

If you have any questions, feel free to contact me at (209) 937-8700.

  
for MARK J. MADISON  
DIRECTOR OF MUNICIPAL UTILITIES

MJM:RLG:as

cc: Art Godwin: Mason, Robbins, Gnass and Browning

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## Responses to Comments

### COS1-1

Increased exports will normally reduce the fraction of San Joaquin River water that flows past Stockton; however, with tidal gates operating, the fraction of San Joaquin River water flowing past Stockton will be generally higher and can be adjusted as needed to maintain the natural channel flow split of approximately 50% diverted into Old River. As Section 5.3 describes, operations of the tidal gates will increase the fraction of San Joaquin River water that flows past Stockton during the summer months (Figure 5.3-21). The estimated DO in the DWSC will likely increase in response to this increased flow (Figure 5.3-22). Please also see Master Response O, *Gate Operations Review Team*.

### COS1-2

DWR and Reclamation are not currently held responsible for any TMDL allocation. They may be responsible for maintaining the natural flow split at the head of Old River. The head of Old River tidal gate would be used to achieve this objective, if required and allowed by fish and wildlife regulatory agencies (please see Master Response O, *Gate Operations Review Team*). The DSM2 tidal hydraulic simulations indicate that flows at Stockton will increase substantially in these summer months compared to existing conditions, because the Old River diversions will be reduced by the tidal gate operations.

### COS1-3

The Central Valley RWQCB has reviewed these effects on DO and will issue a CWA Section 401 water quality certification for the SDIP.

### COS1-4

As described in Appendix A, Operational Scenario A was developed by DWR and Reclamation as a way to operate the SWP and CVP to use the strengths of each project. Under this scenario, DWR would divert and pump 100,000 acre-feet of Reclamation's Level 2 refuge water before September 1. In exchange, Reclamation would supply 75,000 acre-feet from its upstream reservoirs to alleviate a portion of the SWP's obligation to comply with water quality standards and flow requirements in the Delta. These commitments stem from the agreements made during the meetings in Napa.

## **COS1-5**

The decision-making process for Stage 2 will begin after a decision for Stage 1 is made. The text in Chapter 2 of the SDIP Draft EIS/EIR has been modified to more clearly explain that a decision to implement the Interim Operations would be incorporated into the Stage 2 decision-making process. If incorporated into the Stage 2 decision, Interim Operations could be implemented shortly thereafter (please see Master Response M, *Interim Operations*).

## **COS1-6**

The description of the head of Old River gate operations given in Chapter 2, starting on page 2-30, of the SDIP Draft EIS/EIR is accurate. Partial gate closure is described as the normal summer operations for improving DO conditions in the DWSC. A target Old River diversion of just 500 cfs is suggested. More San Joaquin River water will flow past Stockton with the SDIP.

## **COS1-7**

WQ-13 evaluation is based on the DSM2 modeling of tidal hydraulic conditions in the south Delta channels. The results (Figure 5.3-21) indicate that flows will increase past Stockton because a target diversion of just 500 cfs was assumed in the summer months. This diversion would be controlled by operation of the gate at the head of Old River. This will likely improve DO conditions in the DWSC during the summer months (Figure 5.3-22).

## **COS1-8**

DSM2 modeling indicates that EC will be nearly identical at Mossdale and Brandt Bridge as at Vernalis. Two years of daily EC data from these three locations are shown in Figure 5.3-11. DWR and Reclamation are committed to meeting the D-1641 EC objectives at Brandt Bridge. As discussed in Section 5.3, this may require reducing the EC at Vernalis to slightly below the EC objectives to allow for the natural effects of agricultural drainage to the San Joaquin River. The SDIP will have no significant effects on the EC at Brandt Bridge.

## **COS1-9**

The SDIP will have no significant impact on salinity at Stockton's new water intake location, at the confluence of Little Potato Slough and the San Joaquin River. This is generally indicated in Section 5.3, Water Quality, by the small changes at the CCWD Rock Slough and Old River intakes. Stockton's future intake will be influenced even more than CCWD's intakes are by Sacramento



River water, with very low EC values. DSM2 modeling results indicate that EC at the planned intake on the San Joaquin River at Little Potato Slough will be slightly increased from an average of 265  $\mu\text{S}/\text{cm}$  for the 2001 baseline conditions to an average of 268  $\mu\text{S}/\text{cm}$  under Stage 1 operation of the tidal gates, with an average of 269  $\mu\text{S}/\text{cm}$  for Alternative 2A Stage 2. This increase of 4  $\mu\text{S}/\text{cm}$  is less than 2% of the baseline, and is similar to the increased EC at CCWD intakes and at the SWP intake. This increase in EC is generally caused by more San Joaquin River flowing past Stockton. This is considered to be a less-than-significant impact.

## **COS1-10**

Please see Master Response Q, *Effects of the South Delta Improvements Program on San Joaquin River Flow and Salinity*.

## **COS1-11**

The Stockton DWSC was not included in the cumulative impact assessment because it was not quite certified or permitted at the time of the SDIP evaluations. Nevertheless, it deserves recognition as an actively considered project. Because the DWSC is not expected to have any water quality impacts, and will not cause any environmental impacts similar to or greater than those caused by the SDIP, it does not need to be added to the SDIP cumulative impact analysis.

## Comment Letter COS2



COS2

January 18, 2005

Mr. Lester Snow  
Director  
Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236-0001

Re: Support for South Delta Improvement Program

Dear Director Snow:

On behalf of the City of Stanton, I would like to express support for the South Delta Improvement Program as a means to improve water quality, water supply reliability, and to provide a benefit to the environment. The increased flexibility provided by adding the inflatable gates and channel dredging should also improve the efficiency and cost effectiveness of managing the system.

COS2-1

The City of Stanton receives water from the Golden State Water Company, which in turn is provided water by the Municipal Water District of Orange County, a member agency of the Metropolitan Water District of Southern California. We feel that it is in our best interest, as well as in the best interest of other Californians, to support this plan.

Thank you for giving us the opportunity to voice our support.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Donahue".

BRIAN DONAHUE  
Mayor  
City of Stanton

BD:bg

7800 Katella Avenue • Stanton, California 90680 • (714) 379-9222

## Responses to Comments

### COS2-1

DWR and Reclamation acknowledge the City of Stanton's support for the SDIP.